

Appl. No. : 09/309,366
Amdt. dated : October 28, 2003
Reply to Office action of : July 29, 2003

REMARKS

Claims 1, 4, 8-11, 19-24, and 26-32 are currently pending. By this paper, Applicant has amended Claims 1, 19-21, and 32. In view of the foregoing claim amendments and the following remarks, Applicant respectfully requests the Examiner to reconsider the above-captioned application.

Discussion of Telephonic Interview

Applicant's attorney wishes to express his appreciation to the Examiner for the courtesy of conducting a telephonic interview for this application on September 23, 2003. During this interview, the Applicant and the Examiner discussed proposed claim amendments that if entered would put the case in condition for allowance. Applicant submits that he has amended the claims in conformance with this discussion.

Discussion of Claim Rejections Under 35 U.S.C. §§ 102(b) and 103(a) in view of Kawamura

In the Office Action, the Examiner rejected Claims 1, 4, 1-11, 19, 21-24, 26-27, and 30-32 under 35 U.S.C. §102(b) as being anticipated by Kawamura (U.S. Patent No. 5,467,444). Claims 8, 9, 28, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawamura.

Kawamura relates to a "method for making an effective three-dimensional display of buildings and a system therefor, in addition to a conventional two-dimensional display of a map, for tasks requiring map information such as for facility inspections." *Kawamura*, col. 1, ll. 13-16. Kawamura further describes the use of a data base for "storing attribute data or data associated with map data having three-dimensional characteristics and indicating attributes of each house, e.g., {number of floors, a residential number, owner of the house, telephone number, as etc.}." *Id.* at col. 4, ll. 5-9. Thus, Kawamura appears to be directed to the creation of maps that may be useful in "performing works such as facility inspections." Kawamura is further directed to a system for displaying map information wherein a user can view a 3-D model of a map and the street address of each building shown on the map.

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In contrast, one embodiment of Applicant's invention is generally directed to a construction defect management system. In the system, an inspector annotates a floor plan schematic of a building with an identification code that is related to a construction defect identified on the building. The identification code is associated with an item of observational information, such as a textual description and/or photograph of the construction defect. The annotated floor plan schematic is input into a computer and correlated with the observational information regarding the construction defect. A user may access the stored information via an user interface which allows the user to search for construction defects, based on identification code or observation information, for example, and view one or more corresponding floor plan schematics annotated with construction defect identification codes. In this way, the location of the construction defects in the building may be identified.

Claims 1, 19 and 21, and 32

In the previous Office Action (paper no. 13), the Examiner stated that "FIG. 4 [of Kawamura] further illustrates the assignment of an identification code, in the form of a residence ID to the database entry." Subsequently, as described in the Interview Summary (paper no. 14), the Examiner acknowledged that "Kawamura et al. does not disclose categorizing defect codes and displaying one of the categorized defect codes within the displayed floor plan." Applicant agrees with the Examiner that the cited art fails to teach the categorization of identification codes or displaying an identification code on a displayed floor plan.

Pursuant to the suggestion of the Examiner during the telephone conference on September 23, 2003, Applicant has amended each of Claims 1, 19, 21, and 32 to recite that the identification code, or observational identifier, is classified into one of a plurality of defect types. For example, Claim 1, as amended, recites "[a] method of organizing information in a computer, comprising ... providing an item of observational information that is related to a construction defect of the building, wherein the defect is classified into one of a plurality of defect types." The cited art fails to teach or suggest at least this feature. Accordingly, Applicant believes that Claim 1, as amended, is in condition for allowance. Reconsideration of Claim 1 is respectfully requested.

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Independent Claims 19, 21, and 32, as amended, include features similar to those recited above in Claim 1. In particular, Claim 21 recites “[a] method of organizing information in a computer, comprising ... assigning at least one observational identifier to the item of observational information, wherein the observational identifier corresponds with one of a plurality of defect types,” and Claim 32 recites “[a] method of organizing information in a computer, comprising ... assigning an identification code to the item of observational information, wherein the identification code is classified into one of a plurality of defect types.” The cited art fails to teach or suggest at least the above recited features of Claims 19, 21, and 32. Accordingly, Applicant believe that Claim 19, 21, and 32, as amended, are in condition for allowance. Reconsideration of Claims 19, 21, and 32 is respectfully requested.

Claims 4, 8-11 and 22-24, and 26-31

Since Claims 4, 8-11 and 22-24, and 26-31 each depend on one of Claims 1 and 21. Applicant respectfully submits that these dependent claims are allowable for the reasons previously discussed and the subject matter of their own limitations.

Discussion of Claim Rejection Under 35 U.S.C. §§ 102(e) in view of Crooks

In the Office Action, the Examiner rejected Claim 20 under 35 U.S.C. §102(e) as being anticipated by Crooks (U.S. Patent No. 5,930,773). In view of the foregoing amendment and following remarks, Applicant respectfully requests reconsideration of Claim 20.

Crooks “pertains to computerized resource accounting methods and systems, and in particular computerized utility resource management methods and systems, multi-user utility resource management methods and systems, and energy-consumption-based tracking methods and systems.” *Crooks*, col. 1, ll. 25-29. “Resource usage information is received into the host computer pertaining to consumption of one or more of the resources by one or more of the customers at one or more customer site. The resource usage information is processed to provide usage-based, computer-viewable data associated with a respective customer's consumption of one or more of the resources.” *Id.* at col. 2, ll. 14-20. Thus, Crooks is directed to a system of monitoring and analyzing usage of utilities by customers.

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In contrast, one embodiment of Applicant's invention is generally directed to assigning responsibility to subcontractors for construction defects, such as structural defects. For example, Appendix A of the present application lists several exemplary structural defects, such as "Excessive Variation in Riser Heights" and "Void/ ponding around stair rail post base," which may be associated with certain subcontractors. According to one embodiment of the Applicant's invention, the responsibility for each structural defect may then be assigned to certain trades (indicated by trade identifiers), and to specific subcontractors within the trades.

Claim 20

In the previous Office Action (paper no. 13), the Examiner stated that Each subcontractor identifier has trade identifiers (Electric, natural gas, water, sewer). ... The 'defect' can be read as the incurred cost for sewer service, as the defect is not further defined, except that is associated with some cost." Subsequently, as described in the Interview Summary (paper no. 14), the Examiner acknowledged that "Crooks et al. does not pertain to costs for repairing a structural defect of a building." Applicant agrees with the Examiner that the cited art is not directed to categorizing costs for repairing a structural defect.

Pursuant to the suggestion of the Examiner during the telephone conference on September 23, 2003, Applicant has amended Claim 20 to recite that the trade percentage identifies a cost to repair a structural defect. In particular, Claim 20, as amended, recites "[a] method of assigning responsibility for structural defects, including ... assigning a trade percentage to one of the trade identifiers, the trade percentage identifying a cost to repair a structural defect for the trade identified by the trade identifier." The cited art fails to teach or suggest at least the above recited features of Claim 20. Accordingly, Applicant believes that Claim 20 is in condition for allowance over the cited art. Reconsideration of Claim 20 is respectfully requested.

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Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefore, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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Dated:

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